



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrzej Kilian and David Bowtell

Title: VERTEBRATE TELOMERASE  
GENES AND PROTEINS AND  
USES THEREOF

Appl. Nos.: 09/108,401  
09/502,424  
09/502,498

Filing  
Date: June 30, 1998  
February 11, 2000  
February 11, 2000

Examiner: Malgorzata A. Walicka

Art Unit: 1652

## DECLARATION UNDER 37 C.F.R. § 1.132

Sir:

I, Andrzej Kilian, am an inventor of the above-listed applications, and I hereby declare as follows:

1. I am the Director of Genomics Research at CAMBIA (Center for the Application of Molecular Biology to International Agriculture) and an expert in gene discovery. I was awarded a Ph.D. from Sillesian University in Poland for my studies on the population genetics of *Arabidopsis thaliana*. I conducted research in genetics and molecular biology, and specifically comparative RFLP mapping of barley and wheat as a Postdoctoral Fellow funded by the International Atomic Energy Agency at the Plant Breeding Institute in Cambridge, England. In 1991, I was a Visiting Professor at Washington State University where I performed key early work on plant telomere genetics and molecular biology. I cloned barley telomere associated sequences that allowed genetic mapping of almost all barley telomeres. In 1996 I joined CAMBIA as a Senior Research Scientist.

Declaration of Dr. Andrzej Kilian

2. I and my co-inventor isolated, identified, characterized and sequenced the nucleotide sequence of the full-length telomerase gene prior to the filing date of the above-identified application. The nucleotide sequence we identified for the full length telomerase gene corresponds to the nucleotide sequence set forth in Figure 11D ("Reference Protein"). Further, the polypeptide sequence disclosed in Figure 11D corresponds to the telomerase protein sequence which we identified in the laboratory.

3. We also identified, characterized and sequenced the nucleotide sequence coding for the telomerase splice variants listed in Figures 11C and 11N of the captioned application prior to the captioned application's filing date. The nucleotide sequences listed in each of these figures is correct and corresponds to the nucleotide sequences which we identified in the laboratory. In particular, the codon that codes for amino acid 806 of SEQ ID No: 39 and amino acid 840 of SEQ ID No: 59 and in these figures, codes for "G" (glycine) not "V" (valine). However, amino acids 806 and 840 are mistakenly identified as "V (valine) in each of these figures, whereas we identified amino acids 806 and 840 in the laboratory as being "G" (glycine). This error arose during the preparation of the above-identified application. Specifically, Figures 11C and N were apparently prepared from Figure 11D, which lists the correct full length telomerase gene sequence and the correct telomerase polypeptide sequence using the correct three letter code for the amino acids. Apparently, a clerical error occurred when preparing the figures 11C and N.

4. The error at amino acids 806 and 840 in the figures identified in paragraph 3, above, is also in the following sequences in the sequence listing: SEQ ID No: 39 (Figure 11C) and SEQ ID Nos: 60, 61, and 62 (Figure 11N). Each lists amino acid 806 (SEQ ID No: 39), 840 (SEQ ID Nos: 60 and 62), and 755 (SEQ ID No: 61) as "Val", but the corresponding codon is "GGT", which codes for glycine ("Gly").

I hereby declare that all the statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true.

16 September 2003  
Date

Andrzej Kilian  
Andrzej Kilian, Ph.D.